

**REMARKS**

Claims 1-4 are currently pending in the present application. Amendment the claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

The Examiner rejected Claims 1-4, 10, and 12 under 35 U.S.C. § 102(e) as being anticipated by Arnold et al. (U.S. Patent No. 5,908,997). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to an apparatus and method for selecting data sets stored in a storage medium, such as musical song data stored in a computer memory of an electronic musical instrument. In order to simplify and make more efficient the selection of data sets, the present invention facilitates the selection of a group of data sets from a directory of data groups, followed by the selection of a particular data set from the chosen group of data sets. The controls for choosing a particular data set are located outside of a display screen, whereby the controls include a specific selection control for each corresponding data set displayed on the display screen, and whereby each specific selection control is correspondingly located near its allocated data set, such as the preferred embodiment illustrated in Fig. 1. By locating the data set selection controls outside of the display screen in a corresponding manner to the allocated data sets, the display screen can be used to display the data sets in an efficient manner while allowing the user to easily identify and directly manipulate the controls along the sides of the display screen.

As also previously communicated, Arnold is directed to an electronic music instrument wherein a file and song can be selected by a contacting a labeled button within a directory frame. The selection controls shown in Arnold are located within a display screen, and hence requires the display screen to be capable of sensing user touch or contact, making the selection controls more

expensive. More specifically, Arnold does not contain any disclosure or suggestion of a group of data set selecting controls, each of which is correspondingly allocated for each of said identifiers being listed on the display screen, and each of which are three-dimensional controls located outside of the display screen in a corresponding manner with their respectively allocated data sets (as recited in amended Claims 1-4). As such, Arnold does not offer the present invention's advantage of allowing the user to directly manipulate a physical control correspondingly located outside of the display screen; rather, a user is subject to the use of graphical representation of selection boxes on the touch panel, causing accumulation of oil and dirt on the display screen. Accordingly, Applicants respectfully submit that amended Claims 1-4 are not anticipated by, nor obvious in view of, Arnold.

## CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032012600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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